

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
)
v.) Case No. 1-10-cr-3
)
)
ALLEN FITZGERALD) COLLIER/CARTER

REPORT AND RECOMMENDATION

An April 2, 2010, a letter from Tracy W. Johns, Warden, from the Federal Bureau of Prisons Federal Correctional Institution in Butner, North Carolina and a Forensic Evaluation were received by the undersigned Magistrate Judge. The findings in the evaluation were that the defendant was not suffering from a severe mental disease or defect and is able to understand the nature and consequences of the proceedings filed against him and to assist properly in his defense.

A Notice of Waiver of Competency Hearing was submitted by defense counsel on April 28, 2010. It is therefore RECOMMENDED on the basis of the waiver and the evaluation that defendant Allen Fitzgerald be found competent to stand trial.¹

Dated: April 29, 2010

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE

¹Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b) of the Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S.Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).